

1 Richard M. Heimann (State Bar No. 063607)  
E-mail: *rheimann@lchb.com*  
2 Michael W. Sobol (State Bar No. 194857)  
E-mail: *msobol@lchb.com*  
3 Roger Heller (State Bar No. 215348)  
E-mail: *rheller@lchb.com*  
4 Mikaela Bernstein (State Bar No. 261301)  
E-mail: *mbernstein@lchb.com*  
5 LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP  
6 275 Battery Street, 29th Floor  
San Francisco, CA 94111-3339  
7 Telephone: (415) 956-1000  
Facsimile: (415) 956-1008  
8

Richard D. McCune (State Bar No. 132124)  
E-mail: *rdm@mccunewright.com*  
9 Jae (Eddie) K. Kim (State Bar No. 236805)  
E-mail: *jkk@mccunewright.com*  
10 McCUNEWRIGHT, LLP  
11 2068 Orange Tree Lane, Suite 216  
Redlands, CA 92374  
12 Telephone: (909) 557-1250  
13 Facsimile: (909) 557-1275

14 *Attorneys for Plaintiffs and the Class*

15  
16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA  
18

19 VERONICA GUTIERREZ, ERIN  
WALKER, and WILLIAM SMITH, as  
20 individuals and on behalf of all others  
similarly situated,

21 Plaintiffs,

22 v.

23 WELLS FARGO BANK, N.A.,

24 Defendant.  
25  
26  
27  
28

Case No. C 07-05923-WHA (JCSx)

**DECLARATION OF MICHAEL W.  
SOBOL IN SUPPORT OF MOTION FOR  
AN AWARD OF ATTORNEYS' FEES AND  
COSTS**

Courtroom: 9  
Judge Assigned: Hon. William H. Alsup

1 I, Michael W. Sobol, hereby declare and state:

2 1. I am a member in good standing of the California State Bar and a partner in  
3 the law firm of Lieff, Cabraser, Heimann & Bernstein, LLP (“LCHB”), Class Counsel in this  
4 case. I am admitted to practice before this Court. I have personal knowledge of the matters set  
5 forth herein, and could and would testify competently thereto if called upon to do so.

6 2. Pursuant to Civil Local Rule 54-5(b)(1), this confirms that the parties have  
7 met and conferred regarding Class Counsels’ attorneys’ fees and costs.

### 8 **BACKGROUND AND EXPERIENCE**

9 3. I am a 1989 graduate of Boston University School of Law. I practiced law  
10 in Massachusetts from 1989 to 1997. From 1995 through 1997, I was a Lecturer in Law at  
11 Boston University School of Law. In 1997, I left my position as partner in the Boston firm of  
12 Shafner, Gilleran & Mortensen, P.C. to move to San Francisco, where I joined LCHB. Since  
13 joining LCHB in 1997, I have almost exclusively represented plaintiffs in consumer protection  
14 class actions. I have been a partner with LCHB since 1999, and am currently the chair of  
15 LCHB’s consumer practice group. I have served as plaintiffs’ class counsel in numerous  
16 nationwide consumer class action cases.

### 17 **LCHB’S PRIOR REPRESENTATION OF CONSUMERS IN OVERDRAFT FEE CASES**

18 4. For many years, LCHB has been a leader in the fight to protect the rights  
19 and interests of consumers, recovering hundreds of millions of dollars for consumers through  
20 class action litigation. A sample of the consumer class actions that LCHB has litigated is  
21 included in the firm resume that is attached to the declaration of Richard M. Heimann, which is  
22 submitted herewith.

23 5. Among other areas, LCHB was one of the few class action firms willing to  
24 represent consumers in litigation regarding bank overdraft fees and the reordering of transactions  
25 for many years. This litigation has proven to be both difficult and risky, and at times, the cases  
26 that LCHB pursued resulted in dismissals of plaintiffs’ claims. *See Sturm v. Wells Fargo Bank,*  
27 *N.A., S.F. Superior. Ct. Case No. 996873; Snow v. Compass Bancshares, Inc., Alab. Cir. Ct,*  
28 *Mobil County, Case No. CV-98-2384.* Nevertheless, LCHB agreed to represent consumers in

1 cases regarding debit card transactions and overdraft charges again, beginning in late 2008. In  
2 early 2009, LCHB filed a class action against Bank of America, challenging its re-ordering  
3 practices. *Yourke , et al, v. Bank of America, NA*, S.F. Superior Ct., Case No. CGC-09-4871000  
4 (subsequently removed to federal court).

5 **LCHB JOINS AS CLASS COUNSEL IN THIS CASE**

6 6. On May 3, 2009, LCHB was approached by Richard D. McCune of  
7 McCune & Wright (“M&W”), then serving as Class Counsel in this matter, about the possibility  
8 of LCHB joining as co-counsel and lead trial counsel in this action. At the time, the trial in this  
9 case was scheduled to commence in approximately one month, meaning that LCHB would have  
10 to get up to speed very quickly regarding, among other things, the evidentiary record and posture  
11 and history of the case, in order to sufficiently prepare for trial.

12 7. Shortly thereafter, LCHB and M&W reached an agreement in principal to  
13 co-counsel in this action. LCHB agreed to appear for the Class, take on the role of lead trial  
14 counsel, advance all litigation expenses (including assuming responsibility for significant  
15 expenses outstanding at that time), and co-represent the Class for all purposes. This agreement  
16 was reached prior to the May 13, 2009 Case Management Conference in this case, during which  
17 the Court rejected the parties’ proposed settlement and suggested to Mr. McCune that he retain a  
18 firm such as LCHB for this case, and prior to the parties’ mediation with Magistrate Judge Spero  
19 that led to the proposed settlement at that time. LCHB and M&W agreed that if a settlement was  
20 reached at such mediation and eventually approved, LCHB would not appear or serve as co-  
21 counsel.

22 8. LCHB agreed to represent the Class in this case and advance considerable  
23 out-of-pocket litigation costs, despite the considerable challenges remaining in the case (including  
24 proving Wells Fargo’s liability and class damages), and despite the fact that a fair assessment of  
25 the record indicated that achieving a positive result for the Class would require a full trial on the  
26 merits, and would require representation of the Class through the inevitable appeal of any  
27 judgment entered in favor of the Class. LCHB knowingly took on the representation of the Class  
28 despite the risks inherent in a trial of complex class-wide issues, and the risks inherent in class-

1 wide rulings (*e.g.*, preemption, standing, class certification) and a class-wide judgment being  
2 upheld on appeal. Despite these risks, LCHB accepted the responsibilities of representing the  
3 Class, and from that moment forward has committed all resources necessary to litigate this case to  
4 a successful result.

### 5 **PRE-TRIAL PROCEEDINGS**

6 9. This case has been vigorously litigated throughout. A description of Class  
7 Counsel's considerable efforts in successfully litigating this action through the pleading and class  
8 certification stage, and in overcoming Wells Fargo's numerous dispositive and other pre-trial  
9 motions, is set forth in the Declaration of Richard D. McCune, submitted herewith. Likewise,  
10 Class Counsel worked extremely hard, and was required to expend considerable resources, in  
11 order to prevail at trial and obtain excellent relief for the Class.

12 10. Class Counsel from LCHB and M&W spent significant time and resources  
13 in connection with Plaintiffs' expert, Art Olsen's, restitution analysis, including negotiating  
14 access to the necessary Wells Fargo data, working to coordinate Plaintiffs' restitution theories  
15 with Mr. Olsen's analysis of the data, helping with the preparation Mr. Olsen's expert reports and  
16 to prepare him for trial, taking and defending the depositions of both parties' damages experts,  
17 and overcoming Wells Fargo's multiple attempts to exclude and/or discredit Mr. Olsen's analysis.

18 11. Moreover, as the Court is well aware, the trial and related proceedings in  
19 this case were hard fought and required extensive efforts from Class Counsel. During the time  
20 leading up to trial, Wells Fargo filed a motion, styled as a motion for summary judgment and/or  
21 class decertification, based on Wells Fargo's argument that Plaintiffs' expert, Art Olsen's,  
22 damages analysis and testimony should be excluded. Litigating Wells Fargo's motion required  
23 Class Counsel to take the depositions of Wells Fargo's two damages experts, extensive briefing,  
24 and a hearing on such motion. Wells Fargo's motion was denied.

25 12. In addition, the parties filed several motions *in limine*, which were heard at  
26 the Pre-Trial Conference on April 19, 2010. These motions included attempts to exclude  
27 documentary evidence and witness testimony, as well as Wells Fargo's unsuccessful attempt to  
28 exclude all evidence relating to "shadow line" based on the *Smith* settlement. Researching,

1 briefing, and arguing these motions required the hard work of multiple attorneys and other staff at  
2 both LCHB and M&W.

3 13. Moreover, the parties engaged in extensive meet and confer regarding their  
4 respective objections to the designated trial exhibits and deposition testimony and, when Wells  
5 Fargo insisted on maintaining “authenticity” objections to dozens of documents *which Wells*  
6 *Fargo itself produced from its own records*, litigated a motion concerning such objections.

7 14. Pursuant to the Court’s guidelines governing civil trials, the parties filed a  
8 joint Proposed Pre-Trial Order on April 12, 2010, which included information such as a statement  
9 of Plaintiffs’ claims and relief sought and a list of stipulated facts. Preparing this filing required  
10 considerable effort from Class Counsel, and required Class Counsel to meet and confer with  
11 counsel from Wells Fargo. Additionally, also pursuant to the Court’s pre-trial guidelines, Class  
12 Counsel filed pre-trial Proposed Findings of Fact and Conclusions of Law, which required  
13 considerable effort from multiple attorneys to draft. Class Counsel also had to brief several  
14 additional pre-trial issues, including Wells Fargo’s motion to prevent Plaintiffs from using Wells  
15 Fargo’s “Hands on Banking” educational materials (which contained misrepresentations) at trial.

### 16 **THE TRIAL**

17 15. Preparing for trial and successfully trying this case required an enormous  
18 effort from Class Counsel. Given the complexity of the case, the scope of the evidentiary record,  
19 and the vigorous defense put forward by Wells Fargo, Class Counsel depended on contributions  
20 from numerous attorneys, paralegals, and other staff in order to be prepared for trial.  
21 Considerable efforts were required both in the time leading up to trial (*e.g.*, preparing for direct  
22 testimony and cross-examination, analysis of the exhibits and other evidence, preparing trial  
23 strategy) and during the trial itself, both inside and outside the courtroom. Attorneys and  
24 paralegals from both LCHB and M&W worked tirelessly during the weeks leading up to trial, and  
25 during the two week trial itself, and their efforts were absolutely critical to both the finished  
26 product that the Court saw and to Plaintiffs’ ultimate success at trial.

27 16. Notably, the motions practice and other litigation activity remained intense  
28 even during the course of trial. Among other mid-trial issues, Class Counsel had to: litigate Wells

1 Fargo's Rule 52(c) Motion for Judgment on Partial Findings, litigate Wells Fargo's motion to  
2 exclude the testimony of one of Plaintiffs' experts, depose (one evening in the middle of trial) a  
3 Wells Fargo percipient witnesses, and spend considerable attorney resources addressing issues  
4 related to, among other things, the settlement in the *Smith* matter, Wells Fargo's redaction of  
5 several key documents during discovery, Wells Fargo's changing recollection of how it posted  
6 check transactions prior to adopting high-to-low posting, and the review and flagging of customer  
7 complaints concerning Wells Fargo's overdraft fee practices. Litigating these many issues mid-  
8 trial required the hard work of numerous attorneys and staff outside of the courtroom and, further,  
9 because of the relation of these issues to the substance of the trial itself, reasonably required the  
10 participation and appearance of additional attorneys at trial.

11           17. After the evidentiary portion of trial concluded on May 7, 2010, the parties  
12 filed their Proposed Findings of Fact and Conclusions of Law on May 19, 2010, and their  
13 responses thereto on May 26, 2010. Preparing these submissions required a significant effort on  
14 the part of Class Counsel to review the extensive testimony and documentary evidence, research  
15 the relevant case law, and craft proposed findings and responses thereto. Subsequently, at the  
16 Court's request, Class Counsel submitted briefing regarding the effect of the release in the *Smith*  
17 case, and further responded to Wells Fargo's "Notice of Potential Jurisdictional Defect." Class  
18 Counsel, of course, also prepared for and presented closing argument to the Court on July 9,  
19 2010.

#### 20 **POST-TRIAL PROCEEDINGS**

21           18. The Court issued its Findings of Fact and Conclusions of Law After Bench  
22 Trial on August 10, 2010. Class Counsels' responsibilities to the Class have continued since that  
23 time. Five months after the trial concluded, Wells Fargo moved to amend the Court's Findings,  
24 based on its purported "late discovery" of the so-called "Norwest study," which Wells Fargo had  
25 relied upon for years in this case but which never materialized prior to the close of evidence, and  
26 which, in fact, *supported* the Court's Findings. Class Counsel successfully opposed Wells  
27 Fargo's motion. Moreover, Class Counsel worked hard to prepare their portions of the Joint  
28

1 Recommendation and their proposed forms of Judgment, as ordered by the Court, meeting and  
2 conferring with Wells Fargo's counsel in the process as necessary.

3 19. The Court entered final Judgment in this case on October 25, 2010.  
4 Thereafter, in order to ensure that the Class will be able to recover the restitution ordered by the  
5 Court, Class Counsel opposed Wells Fargo's motion for a stay of execution pending appeal  
6 without the posting of a *supersedeas* bond.

7 20. Wells Fargo has now appealed the Court's Judgment. Class Counsel will  
8 continue to represent the Class' interests throughout the full appellate process, and if the Class  
9 prevails on appeal, Class Counsel's responsibilities to the Class will continue through the  
10 distribution of restitution to Class members.

#### 11 **LCHB'S TIME AND EXPENSES**

12 21. LCHB has spent considerable time on this litigation that could have been  
13 spent on other matters. At various times during the litigation, the active prosecution of the claims  
14 has consumed a substantial percentage of my billable time that could otherwise have been spent  
15 on other fee-generating work. In addition to a substantial percentage of my time, this case has  
16 also required significant time from other lawyers in my firm, as well as our law clerks, paralegals,  
17 and computer database personnel, which could have been spent on other fee-generating work.

18 22. The time my firm has spent on this case has been completely contingent on  
19 the outcome of the action. LCHB has not been paid for any of the time spent on the action, nor  
20 has it been reimbursed for any of its out-of-pocket expenses.

21 23. In connection with this litigation, the attorney and staff timekeepers at  
22 LCHB have billed a total of approximately 3303.3 hours, for a total lodestar of approximately  
23 \$1,556,260.50. This information is derived directly from LCHB's time records, which are  
24 prepared contemporaneously and maintained by LCHB in the ordinary course of business.

25 24. Attached hereto as **Exhibit A** is a summary listing each lawyer, paralegal,  
26 and staff for which LCHB is seeking compensation for legal services in connection with this  
27 action, the hours each individual expended, and the hourly rate at which compensation is sought  
28



1 for each individual. For any individuals who have left the employ of LCHB, the hourly rate at the  
2 time when their employment concluded is used.

3 25. Class Counsel made every reasonable effort to prevent the duplication of  
4 work or inefficiencies that might have resulted from having two firms working on this case. For  
5 example, internal meetings among Class Counsel were kept to a minimum, and were generally  
6 based on agendas prepared in advance. Assignments were made for specific tasks and activities  
7 so that it was clear which firm had primary responsibility over each task. I believe that Class  
8 Counsel did not overstaff hearings or the trial beyond what was reasonably necessary.

9 26. Based upon my experience with other class action matters, I believe that  
10 the time expended by LCHB in connection with this litigation is reasonable in amount and was  
11 necessary to ensure the success of this case, particularly given the hard-fought nature of this case,  
12 the complexity and novelty of the issues involved, and the excellent monetary and injunctive  
13 relief obtained for the Class and other California consumers.

14 27. LCHB's customary rates, which were used for purposes of calculating  
15 lodestar here, are based on prevailing rates in this District and have been approved by federal  
16 courts in this Circuit and other Circuits. *See, e.g., Fleming v. Kemper Nat. Services, Inc.*, 373 F.  
17 Supp. 2d 1000, 1012 (N.D. Cal. 2005); *Chaid v. Glickman*, No. C98-1004 WHO JCS, 1999 WL  
18 33292940, at \*6 (N.D. Cal. Nov. 17, 1999); *Grays Harbor Adventist Church Sch. v. Carrier*  
19 *Corp.*, 2008 WL 1901988, at \*3 (W.D. Wash. Apr. 24, 2008); *Pelletz v. Weyerhaeuser Co.*, 2009  
20 U.S. Dist. LEXIS 1803, at \*7 (W.D. Wash. Jan. 9, 2009); *Berger v. Property ID Corporation*,  
21 CV 05-5373-GHK (Cwx) (C.D. Cal.); *Lonardo v. Travelers Indem. Co.*, -- F. Supp. 2d --, 2010  
22 WL 1416698, at \*22-23 (N.D. Ohio Mar. 31, 2010); *In re Diet Drugs (Phentermine,*  
23 *Fenfluramine, Dexfenfluramine) Prods. Liab. Litig.*, No. Civ.A. 99-20593, MDL No. 1203, 2003  
24 WL 21641958, at \*9 (E.D. Pa. May 15, 2003); *In re Prudential-Bache Energy Income P'ships*  
25 *Sec. Litig.*, No. 888, 1994 WL 202394, at \*1-2 (E.D. La. May 18, 1994).

26 28. LCHB sets its hourly rates according to prevailing market rates, bills its  
27 hourly paying clients according to those rates, and is routinely awarded fees according to those  
28 rates. LCHB primarily represents clients on a contingent fee basis, both in class and individual



1 cases. However, LCHB also represents plaintiffs on an hourly basis and is paid according to its  
 2 then current hourly rates. LCHB currently is retained by such clients who pay LCHB's current  
 3 hourly rates, the same rates used to calculate its lodestar in this matter.

4 29. LCHB has expended a total of approximately \$419,093.93 in un-  
 5 reimbursed non-taxable expenses that were necessarily incurred in connection with the  
 6 prosecution of this litigation. A summary breakdown of LCHB's non-taxable litigation expenses  
 7 in this case is attached hereto as **Exhibit B**. This amount does not include \$41,650.88 in  
 8 expenses which are set forth and separately requested in the Bill of Costs submitted herewith.  
 9 Thus, including non-taxable expenses and expenses in the Bill of Costs, LCHB has expended a  
 10 total of \$460,744.81 in out-of-pocket expenses that were necessarily incurred in connection with  
 11 the prosecution of this litigation.

12 30. The foregoing expenses were incurred solely in connection with this  
 13 litigation and are reflected on LCHB's books and records as maintained in the ordinary course of  
 14 business. These books and records are prepared from invoices, receipts, expense vouchers, check  
 15 records and other records, and are an accurate record of the expenses incurred in this case. The  
 16 rates charged for all internal expenses incurred by my firm (e.g., photocopying) are the same  
 17 irrespective of whether the case is billable or contingent. As a result, the rates charged are  
 18 necessarily market-sensitive and market-competitive since they are subject to and controlled by  
 19 an overriding "check" imposed by the firm's cost paying clients.

20 **LCHB ATTORNEYS AND OTHER PERSONNEL WORKING ON THIS CASE**

21 31. Richard M. Heimann was Lead Trial Counsel in this case. Mr. Heimann is  
 22 a partner at LCHB. He received his law degree from Georgetown University Law Center in  
 23 1972. He has over 30 years of civil trial experience, and has been repeatedly recognized as one of  
 24 the top trial lawyers in California. His background and qualifications are set forth in more detail  
 25 in his declaration submitted herewith. Mr. Heimann's responsibilities in this case have included  
 26 leading Class Counsels' trial efforts and overall litigation of this matter, developing Plaintiffs'  
 27 trial strategy, questioning key Wells Fargo witnesses at trial, and overseeing post-trial matters.  
 28

1           32.     My background and qualifications are set forth above. My responsibilities  
2 in this case have included conducting and overseeing the day-to-day litigation of this matter,  
3 leading Plaintiffs' trial preparation efforts, working with Plaintiff' experts, assisting Mr. Heimann  
4 in the preparation of questioning hostile witnesses, developing Plaintiffs' litigation and trial  
5 strategy, preparing key pre-trial and post-trial pleadings and overseeing the same, and directing  
6 necessary legal research.

7           33.     Barry M. Himmelstein is a partner at LCHB. He graduated *magna cum*  
8 *laude* from the University of California, Hastings College of the Law, in 1991. Following  
9 graduation, Mr. Himmelstein clerked for the Hon. Charles A. Legge (Ret.) of the Northern  
10 District of California. In 1993, he entered private practice at the San Francisco office of Morrison  
11 & Foerster, LLP. He joined LCHB in 1997, and has been a partner at LCHB since 1999. Since  
12 joining LCHB, Mr. Himmelstein has specialized in consumer fraud litigation. Mr. Himmelstein's  
13 responsibilities in this case have included working with Plaintiffs' experts, overseeing Plaintiffs'  
14 damages analysis, taking and defending expert depositions, responding to Wells Fargo's attacks  
15 on Plaintiffs' damages analysis, briefing pre-trial motions, and questioning damages experts at  
16 trial.

17           34.     Roger N. Heller is an associate at LCHB. Mr. Heller received his law  
18 degree from Columbia University School of Law in 2001, where he was a Senior Editor for the  
19 *Columbia Law Review*. From 2001 through 2005, he worked as a Litigation Associate at  
20 O'Melveny & Myers LLP's San Francisco office. From 2005 through 2008, he was Senior Staff  
21 Attorney at Disability Rights Advocates in Berkeley, California, specializing in class action  
22 litigation under federal and state anti-discrimination laws. He joined LCHB in 2008, and since  
23 that time has worked exclusively on consumer protection class actions. Mr. Heller has been the  
24 primary LCHB associate working on this matter from the time leading up to trial through the  
25 present. His responsibilities in this case have included preparing pre-trial, mid-trial, and post-trial  
26 pleadings, coordinating Plaintiffs' trial preparation efforts, arguing a motion *in limine*, meeting  
27 and conferring with opposing counsel, preparing for witness examinations at trial, analyzing and  
28

1 organizing evidence for trial, drafting pre-trial and post-trial proposed findings, and legal  
2 research.

3 35. Mikaela Bernstein is an associate at LCHB. She received her law degree in  
4 2008 from the University of San Francisco School of Law, and joined LCHB in 2008. She was  
5 an extern for the Honorable Stuart Pollak at the California Court of Appeal, First District. Her  
6 responsibilities in this case have included preparing pleadings, conducting extensive legal  
7 research, arguing a motion *in limine*, coordinating Plaintiffs' trial preparation efforts, and drafting  
8 post-trial proposed findings.

9 36. Jordan Elias is an associate at LCHB. He received his law degree from  
10 Stanford Law School in 2003. After graduation, he served as a law clerk for the Honorable  
11 Cynthia Holcomb Hall of the U.S. Court of Appeals for the Ninth Circuit, and then worked as  
12 Associate at Wilson Sonsini Goodrich & Rosati, where he was awarded the John Wilson Award  
13 for outstanding representation of Wilson Sonsini's pro bono clients. Since joining LCHB in  
14 2008, Mr. Elias has focused on representing clients in consumer and antitrust cases. His  
15 responsibilities in this case have included preparing mid-trial and post-trial pleadings, litigating  
16 preemption issues, and conducting extensive legal research.

17 37. Allison Elgart is an associate at LCHB. She graduated *magna cum laude*  
18 from Brown University in 2000, and from Harvard Law School in 2005, where she was Editor-in-  
19 Chief of the *Harvard Civil Rights-Civil Liberties Law Review* and a practicing member of the  
20 Harvard Legal Aid Bureau. Immediately after graduating from law school, Ms. Elgart clerked for  
21 the Honorable Robert P. Patterson, Jr. of the United States District Court for the Southern District  
22 of New York. At LCHB, she has focused on representing plaintiffs in employment  
23 discrimination litigation and consumer protection class action cases. Ms. Elgart's responsibilities  
24 in this case have included researching complex legal issues.

25 38. Allison Stocking is an associate at LCHB. She received her law degree in  
26 2006 from Yale Law School, she was an editor of the Yale Human Rights and Development Law  
27 Journal. After graduation, she worked as a law clerk for the Honorable Barrington D. Parker, Jr.  
28 of the United States Court of Appeals for the Second Circuit, and for the Honorable John Gleeson

1 of the United States District Court for the Eastern District of New York. Ms. Stocking joined  
2 LCHB in 2009. Her responsibilities in this case have included researching post-trial issues.

3 39. Jennifer Rudnick is a paralegal at LCHB, and has been the primary LCHB  
4 paralegal working on this matter. Her responsibilities have included organizing exhibits and  
5 other materials, preparing documents and witness binders for trial, and coordinating filings. Jack  
6 Sanford, a former LCHB paralegal, also contributed significantly to Plaintiffs' trial preparation  
7 and presentation efforts. His responsibilities included preparing witness binders and exhibits for  
8 trial, and identifying and tracking down key information and documents before and during trial.

9 40. Kirti Dugar is the director of LCHB's Litigation Support department. In  
10 that role, he oversees and directs an experienced team of LCHB employees responsible for  
11 maintaining and developing LCHB's information databases and applying the technology required  
12 for trial presentation. Mr. Dugar and his department's responsibilities in this case have included  
13 electronically organizing documents and other evidence, preparing exhibits and demonstratives  
14 for trial, and preparing and presenting exhibits and deposition excerpts for presentation at trial.  
15 The Litigation Support team members who assisted Mr. Dugar in this case included LCHB  
16 employees Scott Alameda, Arra Khararjian, Major Mugarage, Anthony Grant, and Sat Kriya  
17 Khalsa.

18 I declare under penalty of perjury that the foregoing is true and correct. Executed  
19 at San Francisco, California this 8th day of November, 2010.

21 /s/ Michael W. Sobol

22 Michael W. Sobol

23 900485.1

# **EXHIBIT A**

**LIEFF CABRASER HEIMANN & BERNSTEIN, LLP**

Report created on 11/05/2010 03:30:10 PM

From  
ToInception  
Present

Matter Number: 3380-0001

GUTIERREZ V. WELLS FARGO - General Matters

**PARTNER**

NAME	HOURS	RATE	TOTAL
RICHARD HEIMANN	196.20	850.00	166,770.00
BARRY HIMMELSTEIN	258.50	675.00	174,487.50
MICHAEL SOBOL	608.00	725.00	440,800.00
	<u>1,062.70</u>		<u>782,057.50</u>

**ASSOCIATE**

NAME	HOURS	RATE	TOTAL
MIKAELA BERNSTEIN	476.70	325.00	154,927.50
ALLISON ELGART	48.30	390.00	18,837.00
JORDAN ELIAS	102.80	430.00	44,204.00
ROGER HELLER	707.10	450.00	318,195.00
ALISON STOCKING	11.00	370.00	4,070.00
	<u>1,345.90</u>		<u>540,233.50</u>

**PARALEGAL/CLERK**

NAME	HOURS	RATE	TOTAL
JENNIFER RUDNICK	352.20	235.00	82,767.00
JACK SANFORD	120.80	225.00	27,180.00
KIRTI DUGAR	166.50	345.00	57,442.50
	<u>639.50</u>		<u>167,389.50</u>

**OTHER**

NAME	HOURS	RATE	TOTAL
SCOTT ALAMEDA	39.00	260.00	10,140.00
ARRA KHARARJIAN	22.80	270.00	6,156.00
MAJOR MUGRAGE	92.60	260.00	24,076.00
ANTHONY GRANT	75.00	260.00	19,500.00
SAT KRIYA KHALSA	25.80	260.00	6,708.00
	<u>255.20</u>		<u>66,580.00</u>

**MATTER TOTALS****3,303.30****1,556,260.50**

## **EXHIBIT B**



**LCHB EXPENSES**  
*Gutierrez v. Wells Fargo*

**Non-Taxable Costs Incurred**

Books/Subscriptions	\$35.00
Computer Research	\$38,737.70
Electronic Databases	\$23,838.35
Experts/Consultants	\$282,612.28
Fax	\$140.00
Federal Express/Messenger	\$3,135.10
In-House Copies	\$9,305.80
Notices/Publications/Bonds	\$10,881.46
Other Charges	\$1,274.37
Outside Copy Service	\$7,462.09
Postage	\$547.24
Print	\$18,849.40
Process Service	\$260.00
Telephone	\$2,279.05
Travel and Meals	\$12,632.27
Trial Expenses	<u>\$7,103.82</u>

Total Non-Taxable Costs:	\$419,093.93
--------------------------	--------------

**Costs Requested Pursuant to Bill of Costs**

Trial and Deposition Transcripts	\$37,485.21
Printing	<u>\$4,165.67</u>

Total Bill of Costs	<u>\$41,650.88</u>
---------------------	--------------------

<b>Total of Expenses for LCHB</b>	<u><u>\$460,744.81</u></u>
-----------------------------------	----------------------------